

This version of the code is dated April 6, 2022 and reflects the Planning Commission recommendation with some additional edits. Changes recommended by the Planning Commission have been incorporated into this version. Additional edits made since the Planning Commission's recommendation are shown in track changes. Areas of the code that are highlighted in grey indicated sections that are clearly not applicable outside the city limits, inside the Urban Growth Boundary (UGB).

## **5.14-100 Metro Plan Amendments**

### **Subsections:**

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### **5.14-105 Purpose**

The Eugene-Springfield Metropolitan Area General Plan (Metro Plan) is the long-range public policy document that establishes the broad framework upon which Springfield, Eugene and Lane County make coordinated land use decisions. While the Metro Plan is Springfield's acknowledged land use policy document, it may require update or amendment in response to changes in the law or circumstances of importance to the community. Additionally, the Metro Plan may be augmented and implemented by more detailed plans and regulatory measures. (6331)

### **5.14-110 Review**

- A.** A Development Issues Meeting is encouraged for citizen initiated amendment applications.
- B.** Metro Plan amendments are reviewed under Type 4 procedures as specified in SDC 5.1-140.
- C.** A special review, and if appropriate, Metro Plan amendment, shall be initiated if changes in the Metro Plan basic assumptions occur. An example would be a change in public demand for certain housing types that in turn may affect the overall inventory of residential land. (6331; 6238)

### **5.14-115 Metro Plan Amendment Classifications**

A proposed amendment to the Metro Plan shall be classified as Type 1, Type 2 or Type 3 depending upon the number of governing bodies (Springfield, Eugene and Lane County) required to approve the decision.

**A.** A Type 1 amendment requires approval by Springfield only:

- 1.** Type 1 Diagram amendments include amendments to the Metro Plan Diagram for land inside Springfield's city limits.
- 2.** Type 1 text amendments include:
  - a.** Amendments that are non-site specific and apply only to land inside Springfield's city limits;
  - b.** Site specific amendments that apply only to land inside Springfield's city limits;
  - c.** Amendments to a regional transportation system plan or a regional and public facilities plan when only Springfield's participation is required by the amendment provisions of those plans; and
  - d.** The creation of new Metro Plan designations and the amendment of existing Metro Plan designation descriptions that apply only within Springfield's city limits.

**B.** A Type 2 amendment requires approval by Springfield and Lane County only:

- 1.** Type 2 Diagram amendments include:
  - a.** Amendments to the Metro Plan Diagram for the area between Springfield's city limits and the Plan Boundary; and
  - b.** An Urban Growth Boundary (UGB) or Metro Plan Boundary amendment east of I-5 that is not described as a Type 3 amendment.
- 2.** Type 2 Text amendments include:
  - a.** Amendments that are non-site specific and apply only to Lane County and Springfield;
  - b.** Amendments that have a site specific application between Springfield's city limits and the Plan Boundary; and
  - c.** Amendments to a jointly adopted regional transportation system plan or a regional public facilities plan when participation by Springfield and Lane County is required by the amendment provisions of those plans.

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- C.** A Type 3 amendment requires approval by Springfield, Eugene and Lane County.
  - 1.** Type 3 Diagram amendments include:
    - a.** Amendments of the Common UGB along I-5; and
    - b.** A UGB or Metro Plan Boundary change that crosses I-5.
  - 2.** Type 3 Text amendments include:
    - a.** Amendments that change a Fundamental Principle as specified in Metro Plan Chapter II A;
    - b.** Non-site specific amendments that impact Springfield, Eugene and Lane County; and
    - c.** Amendments to a jointly adopted regional transportation system plan or a regional public facilities plan, when the participation of Springfield, Eugene and Lane County is required by the amendment provisions of those plans.

(6331)

<b>5.14-120</b>	<b>Relationship to Refinement Plans, Special Area Studies or Functional Plan Amendments</b>
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- A.** In addition to a Metro Plan update, refinement studies may be undertaken for individual geographical areas and special purpose or functional elements, as determined appropriate by Springfield, Eugene or Lane County.
- B.** All refinement and functional plans shall be consistent with the Metro Plan. Should inconsistencies occur, the Metro Plan is the prevailing policy document.
- C.** When a Metro Plan amendment also requires an amendment of a refinement plan or functional plan diagram map and/or text for consistency, the Metro Plan, refinement plan and/or functional plan amendments shall be processed concurrently.
- D.** When a Metro Plan amendment is enacted that requires an amendment to a refinement plan or functional plan map or diagram for consistency, the Metro Plan Diagram amendment automatically amends the diagram or map if no amendment to the refinement plan or functional plan text is involved.

- E. An amendment of the Springfield Comprehensive Plan shall be processed as a Metro Plan amendment and comply with the approval criteria specified in SDC 5.14-135. (6331)

#### **5.14-125 Initiation**

Metro Plan amendments shall be initiated as follows:

- A. A Type 1 amendment may be initiated by Springfield at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in this Code (see also Subsection E).
- B. A Type 2 amendment may be initiated by Springfield or Lane County at any time. A property owner may initiate an amendment for property they own at any time. Owner initiated amendments are subject to the limitations for such amendments set out in this Code and the Lane Code (see also Subsection E).

**EXCEPTION:** Consideration of a property owner initiated Metro Plan amendment (Type 1 and 2) will be postponed by the Director if the proposed amendment is also part of an existing planned refinement plan or special area study adoption or amendment process, or one that is scheduled to commence within 3 months of the date of application submittal. The requested Metro Plan amendment will be considered in the legislative proceedings of the refinement plan or special area study. If the refinement plan or special area study process has not begun within the 3-month period, the Metro Plan amendment application process shall begin immediately following the 3-month period. The Director may exempt particular plan amendment applications from postponement under this Subsection and require more immediate review if there is a finding that either there is a public need for earlier consideration or that review of the proposed amendment as part of a general refinement plan or special area study adoption or amendment process will interfere with timely completion of that process.

- C. A Type 3 amendment may be initiated at any time by Springfield, Eugene or Lane County.
- D. Only Springfield, Eugene or Lane County may initiate a refinement plan, a functional plan, a special area plan, Periodic Review or a Metro Plan update.
- E. Metro Plan updates shall be initiated no less frequently than during the state required Periodic Review of the Metro Plan, although Springfield, Eugene and Lane County may initiate an update of the Metro Plan at any time. (6331)

#### **5.14-130 Approval Process**

- A.** The initiating government body of any Type 1, Type 2 or Type 3 amendment shall notify all governing bodies of the intended amendment and the Type of amendment proposed within 20 days. If any governing body disagrees with the Type of proposed amendment, that governing body may refer the matter to the process specified in Subsections E. or F. as appropriate.
- B.** For any Type 1, Type 2 or Type 3 amendment, a public hearing date shall be set for the Springfield Planning Commission, and the Planning Commissions of Eugene and Lane County, as applicable, within 90 days.
- C.** For Type 1, Type 2 and Type 3 amendments, the Springfield Planning Commission and the Planning Commissions of Eugene and Lane County, shall conduct a single or joint public hearing, as appropriate, and forward that record and their recommendations to the Springfield City Council and to their respective elected officials. The Springfield City Council and the participating elected officials shall also conduct a public hearing, as appropriate, prior to making a final decision.
- D.** If all participating governing bodies reach a consensus to approve a proposed Type 2 or Type 3 amendment, substantively identical Ordinances effecting the applications shall be adopted. Where there is no consensus a proposed amendment, it may not be re-initiated, except by either Springfield, Eugene or Lane County, for 1 year (see also SDC 5.14-150).
- E.** A Type 2 amendment for which there is no consensus shall be referred to the Chair of the Lane County Board of Commissioners and the Mayor of Springfield for further examination of the issues in dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.
- F.** A Type 3 amendment for which there is no consensus, shall be referred to the Chair of the Lane County Board of Commissioners and the Mayors of Springfield and Eugene for further examination of the issues in dispute and recommendation back to the governing bodies. If no recommendation is made back to the governing bodies within 6 months, the plan amendment is denied.
- G.** If a plan amendment is denied because of a lack of consensus, the director of the jurisdiction where the application originated shall issue a denial. For quasi-judicial amendments, the denial shall include findings and conclusions on why the proposed amendment does not meet the approval criteria. Those findings and conclusions may incorporate findings and conclusions previously adopted by one or both of the government bodies. The decision of the planning director is final.

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- H. When identical action is required of 2 or 3 government bodies on an amendment, and the amendment results in a number of different plan changes, unless otherwise specified in the adoption Ordinance of any of the government bodies, action by all of the government bodies to adopt some but not all of the plan changes shall result in the adoption of the changes for which there is consensus and the forwarding of only those changes for which there is no consensus as specified under Subsections E. and F., above.
- I. A different process, time line, or both, than the processes and time lines may be established by the governing bodies of Springfield, Eugene and Lane County for any government initiated Metro Plan amendment. (6331)

#### **5.14-135 Criteria**

A Metro Plan amendment may be approved only if the Springfield City Council and other applicable governing body or bodies find that the proposal conforms to the following criteria:

- A. The amendment shall be consistent with applicable Statewide Planning Goals; and
- B. Plan inconsistency:
  - 1. In those cases where the Metro Plan applies, adoption of the amendment shall not make the Metro Plan internally inconsistent.
  - 2. In cases where Springfield Comprehensive Plan applies, the amendment shall be consistent with the Springfield Comprehensive Plan. (6331)

#### **5.14-140 Appeals**

Adopted or denied Metro Plan amendments may be appealed to Oregon Land Use Board (LUBA) or the Department of Land Conservation and Development (DLCD) according to state law. (6331)

#### **5.14-145 Limitation on Refiling**

The City shall not consider a property owner-initiated Metro Plan amendment application if a substantially similar or identical plan amendment has been denied by the City within the year prior to the application date unless the facts forming the basis for the denial have changed so as to allow approval. The Director shall determine whether the proposed amendment is substantially similar or identical after providing the applicant with an opportunity to comment on the matter in writing. (6331)